

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	:	Criminal Action No. 06-50-GMS
	:	
vs.	:	
	:	
WILLIE BROWN	:	

ORDER

AND NOW, this day of , 2008, the Court having been advised that Thomas A. Dreyer, Esquire needs additional time to obtain transcripts of four audiotapes in order to be properly prepared for trial in the captioned matter and the Court finding that this reason causes the ends of justice served by granting the requested continuance to outweigh the best interest of the public and Defendant in a speedy trial, **it is hereby ORDERED** pursuant to 18 U.S.C. Section 3161(h)(8)(A) that Defendant's Motion for Trial Continuance is **GRANTED**; that the trial date shall be continued from May 5, 2008 to ; and that the time between the date of the filing of said motion and the new trial date assigned by the Court shall be excluded pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(1).

GREGORY M. SLEET, J.

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DEFENDANT'S MOTION FOR TRIAL CONTINUANCE

NOW COMES Defendant Willie Brown, by his attorney, Thomas A. Dreyer, Esquire, and moves the Court to continue the trial date of May 5, 2008 as follows:

1. Defendant was charged by Indictment with one count of Conspiracy to distribute cocaine base in violation of 21 U.S.C. Section 846 and four counts of Distribution of cocaine base in violation of 21 U.S.C. Section 841(a)(1) and (b)(1)(A) and 18 U.S.C. Section 2. The four substantive counts allege that he distributed cocaine base as follows:

- A. Count II – 11/30/05 – 55.6 grams
- B. Count III – 12/7/05 – 113.4 grams
- C. Count IV - 3/16/05 – 106.5 grams
- D. Count V – 3/30/06 – 55.3 grams

2. On November 15, 2007, Mr. Dreyer was appointed to represent Defendant.

3. According to Mr. Dreyer's calculation of the federal sentencing guidelines, Defendant is facing incarceration of 324 to 405 months in the event that the jury returns a guilty verdict on all five counts.

4. During a visit at Salem County Correctional Facility ("SCCF") on April 24, 2008, Defendant instructed Mr. Dreyer to obtain transcripts of three audio-recordings produced by the Government during discovery and listed as N-15, N-17 and N-46.

5. During a visit at SCCF on April 28, 2008, Defendant instructed Mr. Dreyer

to obtain an additional transcript of an audio-recording produced by the Government during discovery and listed as N-43.

6. According to discovery, the Confidential Source (“CS”) used by the Government was equipped with an audio-recording device during each of the alleged cocaine base purchases outlined in Counts II, III, IV and V.

7. Specifically, the audio-recordings in question are as follows:

- A. Count II – 11/30/05 – N-15-001 - 31 minutes, 34 seconds
N-15-002 - 45 minutes, 55 seconds
- B. Count III – 12/7/05 - N-17-001 – 47 minutes, 32 seconds
- C. Count IV – 3/16/06 - N-43-001 – 108 minutes, 21 seconds
N-43-002 – 76 minutes, 31 seconds
N-43-003 – 10 minutes, 25 seconds
- D. Count V – 3/30/06 – N-46-001 – 5 minutes, 46 seconds
N-46-002 - 27 seconds
N-46-003 – 54 minutes, 38 seconds

8. Defendant intends to play N- 15, N-17, N-43 and N-46 during trial.

9. Transcripts of N-15, N-17, N-43 and N-46 are required in order to permit the jury to follow along as the audio-recordings are being played, to identify the speakers and to help the jury comprehend and understand what they are hearing.

10. The Government intends to supply the jury with transcripts of the recordings which it plays during trial.

11. Defendant does not intend to testify at trial.

12. Defendant believes, and therefore avers, that transcripts of N-15, N-17, N-43 and N-46 are absolutely imperative to his defense at trial.

13. Because he does not have these four transcripts, Mr. Dreyer is not prepared

for trial at the present time.

14. Trial is scheduled to commence on May 5, 2008.

15. On April 28, 2008, Defendant agreed to the filing of the instant continuance request.

16. Defendant hereby requests a continuance of the trial for two months in order to allow him to obtain transcripts of N-15, N-17, N-43 and N-46 for use during trial.

17. The Government objects to this continuance request.

18. Defendant agrees that the period of time between the date of the filing of this motion and the new trial date assigned by the Court shall be excluded in accordance with the Speedy Trial Act, 18 U.S.C. 3161(h)(1).

19. Pursuant to 18 U.S.C. Section 3161(h)(8), the ends of justice served by granting the requested continuance outweigh the best interest of the public and Defendant in a speedy trial in that a continuance will give defense counsel additional time to prepare for trial in this extremely serious criminal case.

WHEREFORE, Defendant requests that the Court grant his motion for a continuance.

td347370

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610-358-4454
Attorney for Willie Brown

CERTIFICATE OF SERVICE

Thomas A. Dreyer, Esquire hereby certifies that I served true and correct copies of the within Defendant William Brown's Motion for Trial Continuance upon the persons named below on the date listed below by the means specified below:

Honorable Gregory M. Sleet
Chief Judge, United States District Court
J. Caleb Boggs Federal Building
844 King Street – Room 4324
Lockbox 19
Wilmington, DE 19801-3570
First Class Mail

Shawn A. Weede
Assistant United States Attorney
The Nemours Building
1007 Orange Street – Suite 700
P.O. Box 2046
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Willie Brown
Salem County Correctional Facility
125 Cemetery Road
Woodstown, NJ 08098
First Class Mail

td347370

Thomas A. Dreyer, Esquire

Dated: April 29, 2008

